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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/755,815 | 01/05/2001 | Lester T. Yoshida | 11314/3 | 5410 |

757 7590 08/31/2004

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| EXAMINER |
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LIANG, GWEN

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2172

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,815

Applicant(s)

YOSHIDA ET AL.

Examiner

GWEN LIANG

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications through the applicant's amendment, filed on 05/24/2004.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 14 is are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "said step of providing the user with one of the suggested future times during the day, the date, and the suggested location via a network" in lines 1-3.

There is insufficient antecedent basis for this limitation in the claim. The limitation "said step ..." is not exactly found in any of the preceding features in the claim.

Response to Arguments

4. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al., "Murphy" (U.S. Patent No. 6,298,307), further in view of "Bridal", ("One Less Bridal Woe", PR Newswire, p0714PHTU007), and further in view of Nakajima et al., "Nakajima" (U.S. Publication No. 2001/0048802).

With respect to claim 1, Murphy discloses a method comprising the steps of:

receiving a user input comprising a user preference profile for a specific activity (col. 2 lines 15-19, wherein a user preferences databases are used to store information on the user preferences related to user activities, therefore it is obvious that a user input must first be made to cause the user preferences to be stored in the database.);

comparing the user preference profile with stored weather information (col. 2 lines 9-13; col. 2 lines 32-41; Fig. 1 element 102 "Weather Information Server").

However Murphy does not explicitly teach the step of "providing the user with one of a plurality of suggested future times during a day, a date, and a suggested location for the specific activity based on the input received from the user".

Bridal teaches a step of "providing the user with a date or a suggested location for the specific activity based on the input received from the user" (See for example:

page 1 paragraph 5, wherein WeatherPlanner has the capability of providing the most favorable wedding dates if the date has not been decided on, or recommending the best destination of honeymoon based on the user's desired type of weather for an activity and location ideas.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a step of "providing the user with a date or a suggested location for the specific activity based on the input received from the user" as disclosed by Bridal into the weather-based decision making method as disclosed in Murphy to offer a revolutionary new event and activity planning service that provides reliable, customized weather forecasts up to 12 months in advance (page 1 paragraph 3). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

However the combination of Murphy and Bridal does not explicitly teach that the providing step provides the user with "one of a plurality of suggested future times during a day, a date, and a suggested location for the specific activity".

Nakajima teaches a step of providing the user with one of a plurality of suggested future times during a day, a date, and a suggested location for the specific activity (See for example: .page 8 section [0107], "One of the recommended composition data sets R0 corresponding to a photographing location, photographing time and/or weather is read based not only on location information included in GPS information G but also time information and weather information at the time of photographing, and image data S0 are obtained by photographing according to the recommended composition data set.",

wherein it is obvious that both a location and time are recommended for the activity of photographing, and wherein it is inherent that "time" refers to both time during a day and a date).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the providing step as disclosed in Bridal to provide information on both time (in the sense of time and date) and location for a specific activity as disclosed by Nakajima so that the desired recommended composition data set related to the photographing information corresponding to the acquired photographing information is read from the storage means based on the acquired photographing information (page 3 section [0044]). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 2 is rejected for the reasons set forth hereinabove for claim 1 and furthermore the combination of Murphy, Bridal and Nakajima teaches a method wherein said step of receiving a user preference profile comprises the step of receiving the user preference profile for at least one activity through a computer coupled to a web server through a wide-area-network (See for example: Murphy, col. 4 lines 1-8; col. 2 lines 15-19; col. 2 lines 32-36, col. 8 lines 47-55, wherein Internet is a Wide Area Network):

said step of comparing the user preference profile comprises comparing the user preference profile with the stored weather information through the web server (See for example: Murphy , col. 2 lines 9-13; col. 2 lines 32-41; Fig. 1 element 102 "Weather Information Server").: and

said step of providing the user with one of a plurality of suggested future times during a day, a date, and a suggested location for the specific activity comprises providing the user with a suggest future time of day, a date, and a suggested location for the specific activity (See for example: Bridal, page 1 paragraph 5 and Nakajima, page 8 section [0107]).

Claim 3 is rejected for the reasons set forth hereinabove for claim 1 and furthermore the combination of Murphy, Bridal and Nakajima teaches a method wherein:

said step of receiving a user profile comprises the step of receiving weather parameters including at least one of precipitation, wind, air temperature, humidity, location, road conditions, cross winds, visibility and time through a web-based device coupled to a web server through an Internet (Murphy, col. 2 lines 32-36; col. 8 lines 47-51);

said step of comparing the user preference profile comprises comparing the user preference profile with the stored weather information through the web server coupled to an application server and database server (Murphy, col. 2 lines 9-13; col. 2 lines 32-41; Fig. 1 element 102 "Weather Information Server"); and

said step of providing the user with one of a plurality of suggested future times during a day, a date, and a suggested location for the specific activity comprises providing the user with a suggest future time of day, a date, and a suggested location for the specific activity through the Internet (See for example: Bridal, page 1 paragraph 5 and Nakajima, page 8 section [0107]).

Claim 4 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a method comprising the step of receiving updated weather information and storing tile weather related information in a weather database (col. 5 line 60 – col. 6 line 4).

Claim 5 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Murphy teaches a method wherein said step of comparing the user preference profile comprises the step of comparing the user preference profile with information contained in the weather database (col. 2 lines 9-13; col. 2 lines 32-41).

Claim 6 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Murphy teaches a method comprising the step of monitoring the weather database and providing updated information to the user (col. 3 lines 65-67).

Claim 7 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a method comprising the step of warning the user when input weather parameters have been exceeded (col. 2 lines 49-52).

Claim 8 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a method comprising the step of warning the user when input weather parameters have been met (col. 2 lines 49-52).

Claim 9 is rejected on grounds corresponding to the reasons given above for claim 7.

Claim 10 is rejected on grounds corresponding to the reasons given above for claim 8.

Claim 11 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Murphy teaches a method comprising the step of receiving weather information from at least one of NOAA reports, weather towers, traffic, video, and construction and closure reports (col. 4 line 50 – col. 5 line 5).

Claim 12 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Murphy teaches a method comprising the step of receiving weather information from a plurality of surface mounted road sensors (col. 4 lines 9-41).

Claim 13 is rejected on grounds corresponding to the reasons given above for claim 1.

Claim 14 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a method wherein said step of providing the user with one of the suggested future times during the day, the date, and the suggested location via a network comprises the step of creating an entry in a personal electronic calendar for a clock time and a location at which weather parameters in the user preference profile are forecasted to be at least one of met and exceeded (col. 7 line 63 – col. 8 line 25).

Claim 15 is rejected for the reasons set forth hereinabove for claim 13 and furthermore Murphy teaches a method wherein the network comprises one of a publicly accessible network, an intranet, a wide area network, and a local area network (col. 8 lines 47-51).

Claim 16 is rejected for the reasons set forth hereinabove for claim 3 and furthermore Nakajima teaches a method wherein the suggested location for the activity is identified through a latitude and longitude (See for example: page 6 section [0087]).

Claim 35 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a weather system comprising:

a first interface that enables a user to enter a profile of an activity into an expert weather system (See for example: col. 2 lines 15-21);

a publicly accessible network that transfers data from the first interface (See for example: col. 8 lines 47-51);

a remote server coupled to the publicly accessible network, the remote server being configured to process weather data and the profile (See for example: col. 4 lines 1-8; col. 2 lines 15-19; col. 2 lines 32-36, col. 8 lines 47-55, wherein Internet is a Wide Area Network).

Claim 37 is rejected for the reasons set forth hereinabove for claim 35 and furthermore Bridal teaches a weather system wherein the remote server is further configured to identify a plurality of locations that correlate to the weather and the activity (page 1 paragraphs 5 and 7).

7. Claims 17, 19-22, 26, 28-30, 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al., "Murphy" (U.S. Patent No. 6,298,307), further in view of "Bridal", ("One Less Bridal Woe", PR Newswire, p0714PHTU007), further in view of Nakajima et al., "Nakajima" (U.S. Publication No. 2001/0048802), and further in view of "NOAA" (National Oceanic and Atmospheric Administration).

Claim 17 is rejected for the reasons set forth hereinabove for claims 1 and 3. However the combination of Murphy, Bridal and Nakajima does not explicitly teach a database comprising National Oceanic and Atmospheric Administration information;

NOAA teaches a database comprising National Oceanic and Atmospheric Administration information (See pages 1-5, wherein it is obvious that the NOAA data is stored on a database coupled to a database server).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate National Oceanic and Atmospheric Administration information as disclosed by NOAA into the stored weather information as disclosed in the combination of Murphy, Bridal and Nakajima because NOAA provides direct access to U.S. official weather forecast products and observations (page 1 top). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 19 is rejected for the reasons set forth hereinabove for claim 17 and furthermore Murphy teaches a system wherein said web server is further configured to update weather forecasts stored in said database (See for example: col. 5 line 60 – col. 6 line 4).

Claim 20 is rejected for the reasons set forth hereinabove for claim 19 and furthermore the combination of Murphy, Bridal, Nakajima and NOAA teaches a system wherein to compare the user profile, said web server is configured to compare the user profile through a database query with an updated forecasted weather information stored in said database (See for example: Murphy, col. 2 lines 9-13; col. 2 lines 32-41; Fig. 1 element 102 "Weather Information Server") comprising nationwide forecasts associated with a latitude, a longitude, a date, and a time (See for example: NOAA, page 1 "24 Hour Surface Forecast", "NESDIS Satellite Imagery, Northern Hemisphere").

Claim 21 is rejected on grounds corresponding to the reasons given above for claims 3 and 9.

Claim 22 is rejected on grounds corresponding to the reasons given above for claims 3 and 10.

Claim 26 is rejected for the reasons set forth hereinabove for claim 17 and furthermore the combination of Murphy, Bridal and Nakajima and NOAA teaches a computer programmer to

prompt a user to provide a user profile for a specific activity through a browser (See for example: Murphy, col. 8, lines 47-55, "In the present example, this request comprises the data: baseball game, Boston, 10 AM tomorrow. This request is sent by the user from their data input terminal over the network 403 to the web server (Network Server 402)");

compare the user profile through a web server and an application server with forecasted weather information stored in a data store coupled to an archive database (See for example: Murphy, col. 2 lines 9-13; col. 2 lines 32-41; Fig. 1 element 102 "Weather Information Server"; col. 6 lines 30-33, "The Archive Store 304 represents a history of the input data to enable the best-in-time forecasting system 100 to retrieve historic data in the forecasting process") and a geographic information database coupled to a web server through a product generation segment (See for example: NOAA, "U.S. CITIES 3-DAY Forecast", wherein it is obvious that a geographic information database is coupled to a web server through a product generation segment to enable this forecast application".

Claim 28 is rejected on grounds corresponding to the reasons given above for claims 1 and 4.

Claims 29 and 30 are rejected on grounds corresponding to the reasons given above for claim 7.

Claim 32 is rejected for the reasons set forth hereinabove for claim 26 and furthermore Murphy teaches a computer wherein to provide the user with the future time of day and the suggested location, said computer causes to be displayed on a user device information related to a clock time and the suggested location via a network. (col. 4 lines 1-8).

Claims 33 and 34 are rejected on grounds corresponding to the reasons given above for claim 14.

8. Claims 18, 23, 24, 25, 27, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al., "Murphy" (U.S. Patent No. 6,298,307), further in view of "Bridal", ("One Less Bridal Woe", PR Newswire, p0714PHTU007), further in view of Nakajima et al., "Nakajima" (U.S. Publication No. 2001/0048802), further in view of "NOAA" (National Oceanic and Atmospheric Administration), and further in view of Kelly et al., "Kelly" (U.S. Patent No. 6,498,987).

Claim 18 is rejected for the reasons set forth hereinabove for claim 17 and furthermore Murphy teaches a system wherein to prompt a user to provide a user profile (col. 8 lines 53-54; col. 7 lines 22-26). . However the combination of Murphy, Bridal, Nakajima and NOAA does not explicitly disclose a system wherein said server causes

to be displayed on a user device a computer generated screen listing a plurality of weather parameters.

Kelly teaches a system wherein said server causes to be displayed on a user device a computer generated screen listing a plurality of weather parameter selections (col. 8 lines 50-55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a screen listing a plurality of weather parameter selections as disclosed by Kelly for the user to specify the desired weather condition in the user profile as disclosed in the combination of Murphy, Bridal, Nakajima and NOAA, so the user may be provided with a predefined list of weather conditions from which to select (col. 8 lines 53-55). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 23 is rejected for the reasons set forth hereinabove for claim 17. However the combination of Murphy, Bridal, Nakajima and NOAA does not explicitly disclose a system wherein a wireless user device is used to display information.

Kelly teaches a system wherein a wireless user device is used to display information (See for example: col. 5 lines 52-55).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a wireless user device as disclosed by Kelly to display information related to the clock times and a plurality of locations for the specific activity to be performed as disclosed in the combination of Murphy, Bridal, Nakajima and NOAA, as this is a conventional manner of communication (col. 5 lines 52-55). One

of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 24 is rejected for the reasons set forth hereinabove for claim 17. However the combination of Murphy, Bridal, Nakajima and NOAA does not explicitly disclose a system wherein a web-based phone is used for providing the user with the suggested location.

Kelly teaches a system wherein a web-based phone is used to provide the user with information (See for example: col. 8 lines 27-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a web-based phone as disclosed by Kelly for providing the user with the suggested location as disclosed in the combination of Murphy, Bridal, Nakajima and NOAA, as this is a conventional manner of communication (col. 8 lines 30-31). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 25 is rejected for the reasons set forth hereinabove for claims 24 and 14 and furthermore Kelly teaches a system wherein the communication with the user is provided through a wireless connection (col. 5 lines 52-55).

Claim 27 is rejected on grounds corresponding to the reasons given above for claim 18.

Claim 31 is rejected on grounds corresponding to the reasons given above for claim 23.

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9. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al., "Murphy" (U.S. Patent No. 6,298,307), further in view of "Bridal", ("One Less Bridal Woe", PR Newswire, p0714PHTU007), further in view of Nakajima et al., "Nakajima" (U.S. Publication No. 2001/0048802), and further in view of Trombley (U.S. Patent No. 6,456,299).

Claim 36 is rejected for the reasons set forth hereinabove for claim 35. However the combination of Murphy, Bridal and Nakajima does not explicitly disclose a system wherein the second interface comprises a plurality of lines that form a map.

Trombley teaches a system wherein the second interface comprises a plurality of lines that form a map (Abstract, "A process for producing a recreational map preferably using a computer operated program by first producing a bordered area; overlaying said bordered area with one or more template maps having nautical features thereon, a first scale and latitude and longitude lines at least every two minutes of angle; adjusting the size of said template map (s) to match the bordered area and incorporating said nautical features and said latitude and longitude lines into said bordered area to provide a master template map").

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an interface of a map formed by lines as disclosed by Trombley in the weather system as disclosed in the combination of Murphy, Bridal and Nakajima because latitude-longitude lines denote angle measurements around the earth from 0 to 360 degrees. Fishermen using their GPS satellite navigation equipment and the GPS numbers can more accurately locate a desired fishing location and other

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points of interest (col. 3 lines 28-30, 40-43). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Conclusion

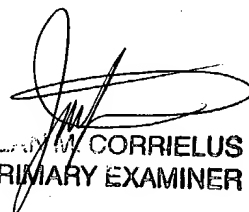
Any inquiry concerning this communication or earlier communications from the examiner should be directed to GWEN LIANG whose telephone number is 703-305-3985. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M. Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

G.L.

August 25, 2004


JEREMY M. CORRIELUS
PRIMARY EXAMINER